

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff(s),
v.
RENE OSWALD COBAR,
Defendant(s).

2:07-CR-14 JCM (PAL)

ORDER

15 Presently before the court is pro se incarcerated defendant Rene Oswald Cobar's motion for
16 free copies. (Doc. # 380). The government has filed a response in opposition. (Doc. # 382).
17 Defendant has not filed a reply.

18 Also before the court is defendant's motion/application to proceed in forma pauperis on
19 appeal. (Doc. # 386).

20 || I. Free Copies of Documents

21 Mr. Cobar has attempted to receive free copies of certain court records and documents on
22 several occasions. The court has denied every request. Undeterred, Mr. Cobar attempts again. As
23 with every every other time Mr. Cobar has attempted to receive free copies of court records, the court
24 finds no reason to grant the request and denies the motion. In a prior order denying such a request,
25 this court stated:

“The statute providing authority to proceed in forma pauperis, 28 U.S.C. § 1915, does not include the right to obtain court documents without payment. Although the Ninth Circuit has not spoken on the issue, courts in other jurisdictions have not allowed plaintiffs proceeding in forma pauperis to

1 receive free copies of documents from the court without the plaintiff
2 demonstrating a specific showing of need. *See, e.g., Collins v. Goord*, 438
3 F.Supp.2d 399 (S.D.N.Y. 2006); *Guinn v. Hoecker*, 43 F.3d 1483 (10th Cir.
4 1994) (no right to free copy of any document in record unless plaintiff
5 demonstrates specific need); *In re Richard*, 914 F.2d 1526 (6th Cir. 1990) (28
6 U.S.C. § 1915 does not give litigant right to have documents copied at
7 government expense); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964)
8 (no free copy of court orders).

9 Further, the local rules of practice for this district provide that, “the failure of
10 a moving party to file points and authorities in support of [a] motion shall
11 constitute a consent to the denial of the motion.” LCR 74-9.”

12 (Doc. # 335). In the court’s third, and most recent, denial of the instant request it noted:

13 “This is the third time the court is denying this motion due to Mr. Cobar’s
14 failure to provide the appropriate documentation regarding financial need.”

15 (Doc. # 386). All of the previous reasons this court has denied this motion for a free request of
16 certain documents, as correctly pointed out by the government, still exist. Mr. Cobar’s motion is
17 nothing more than a bald request for nine documents. He does not state why he needs the
18 documents, under what statutory or legal authority he may be entitled to the documents, or provided
19 appropriate documentation regarding his financial need. The court finds it appropriate, again, to
20 deny these documents.

21 This is the fourth time this court has denied this exact request and Mr. Cobar has failed to
22 correct the deficiencies cited by the court. Further motions seeking the same relief that fail due to
23 all the same deficiencies will not be entertained.

24 **II. In Forma Pauperis on Appeal**

25 Additionally, Mr. Cobar filed a motion/application to proceed in forma pauperis on appeal.
26 (Doc. # 386). Mr. Cobar has already appealed his case, and the Ninth Circuit affirmed this court on
27 every issue. *United States v. Cobar*, 468 Fed.Appx. 748 (9th Cir. 2012). Mr. Cobar has not made
28 any argument why he should be permitted a second appeal, and the court can find no reason on its
own. The motion is denied.

29 . . .

30 . . .

1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for
3 free copies (doc. # 380) be, and the same hereby, is DENIED.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that defendant's
5 motion/application for leave to proceed in forma pauperis on appeal (doc. # 386) be, and the same
6 hereby, is DENIED.

7 DATED March 15, 2013.

James C. Mahan
UNITED STATES DISTRICT JUDGE